



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brenda K. Drake et al. Art Unit : 2652
Serial No. : 09/938,748 Examiner : Tianjie Chen
Filed : August 23, 2001 Confirmation No.: 4096
Notice of Allowance Date: January 3, 2005
Title : DISC DRIVE CLAMP HAVING CENTERING FEATURES

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE AND
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Notice of Allowance mailed January 3, 2005, enclosed are a completed issue fee transmittal form PTOL-85b and a check for \$1730 for the required issue fee and publication fee, including patent copies.

With respect to the Examiner's reasons for allowance of claim 14, Applicants agree with the Examiner that claim 14 is allowable for substantially the same reason as claim 1. Applicants further agree with the Examiner that the recited means element invokes 35 U.S.C. § 112(6). As such, the recited means is properly interpreted to cover corresponding structures, and any equivalents thereof, that are disclosed in the specification and necessary to perform the recited function. *See Northrop Grumman Corp. v. Intel Corp.*, 325 F.3d 1346, 1352 (Fed. Cir. 2003). Applicants agree that the inwardly extending tabs with rounded top edges correspond to the recited means. Accordingly, Applicants agree with the Examiner that claim 14, like claim 1, is allowable over the art of record for at least the reason that the prior art fails to disclose such inwardly extending tabs.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 26, 2005

Date of Deposit

Signature Caryl Harriman

Caryl Harriman

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However, Applicants respectfully disagree with the portion of the Examiner's statement that the "recited means ... should be considered as the embodiment disclosed in the specification and drawings, which includes, at least, all the limitations recited in claim 1." In construing a claim element under 35 U.S.C. § 112(6), features that do not perform the recited function do not constitute corresponding structure and thus do not serve as claim limitations. *Northrop* at 1352. Various structures recited in claim 1, including but not limited to the "motor spindle hub mounted to a spindle shaft," are plainly not necessary to perform the function recited in the means element. Accordingly, to the extent to the Examiner's statements concerning claim 14 suggest that all of the structures implicated in claim 1 correspond to the means element of claim 14, Applicants respectfully object.

Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: 26 Jan. 2005

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